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dealer from prosecution and conviction of a violation of the provisions of this ordinance: *Provided*, That if any dealer shall, for the purposes of sale, exchange, or delivery remove from the original package any article of food, then such guaranty shall not protect such dealer from prosecution and conviction unless such dealer shall label such article with the same and all information required under this ordinance to be upon such original package: *And provided*, That if any dealer shall transport, store, or keep any article of food in such a manner as to render it diseased, contaminated, filthy, decomposed, putrid, or unwholesome said guaranty shall not protect such dealer from prosecution and conviction.

SEC. 9. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$500 or by imprisonment in the city jail for a period of not more than six months, or by both such fine and imprisonment.

SEC. 10. That ordinance No. 25034 (new series) entitled, "An ordinance prohibiting the sale of any article of food or drink to which has been added any antiseptic, anti-ferment, or preservative compound or chemical," approved May 8, 1912, be, and the same is hereby, repealed: *Provided*, That any such repeal shall not affect or prevent the prosecution and punishment of any person, firm, or corporation for any act done or permitted in violation of any ordinance which may be repealed by this ordinance, and shall not affect any prosecution or action which may be pending in any court for the violation of any ordinance repealed by this ordinance.

Fruits and Vegetables—Production, Care, and Sale. (Ord. No. 26,146, Oct. 29, 1912.)

SECTION 1. It shall be unlawful for any person, either as owner, agent, or employee or otherwise, to sell or expose or offer for sale, or to keep or have for sale, or to give away or have in possession, any lettuce, celery, strawberries, tomatoes, radishes, or onions that have been irrigated with sewage, or any fruit or vegetable that is infected with any scale or other insect injurious to trees, plants, vines, fruits, or vegetables, or that is infected with the egg, larva, pupa, of such insect, or that is wholly or partially decayed, or that has been frostbitten or that is affected in any manner so as to be unwholesome or unfit for human food.

SEC. 2. It shall be unlawful for any person, either as owner, agent or employee, to sell or expose for sale, to keep or have for sale, or to give away or to have in possession any strawberries, raspberries, guavas, currants, or other berries or soft fruits packed in any basket or box which has already once previously contained other berries or soft fruits of the same or any other kind, or to sell or expose for sale, to keep or to have for sale, or to give away or have in possession any fruit or vegetables that have been packed in any basket, box, or sack which has previously contained fruit, vegetables, fertilizer, manure, garbage, or other substance which might taint or make such fruit or vegetables unwholesome, or to haul or store or keep any fruit or vegetables in any wagon, car, stall, building, or other place which has previously contained fertilizer, manure, garbage, dead animals, or other substance which might taint or make such fruit or vegetables unwholesome, until said wagon, car, stall, building, or other place is thoroughly cleaned and fumigated to the satisfaction of the health commissioner or any of the health inspectors.

SEC. 3. All fruits, vegetables, candies, or confectionery sold, offered or exposed for sale, or kept or maintained or stored for sale, or given away or held or kept by any person within the city of Los Angeles shall be subject to inspection at all times by the health commissioner of the city of Los Angeles or any of his deputies, or any of the fruit and vegetable inspectors of the health department of said city, and the said health commissioner and his deputies and said fruit and vegetable inspectors are hereby authorized and empowered to enter any place or places where fruits, vegetables,

candies, and confectionery are sold, offered or exposed for sale, or kept or stored for sale, or given away or held or kept, for the purpose of inspecting such fruits, vegetables, candies, or confectionery, and said health commissioner and deputies and said inspectors are hereby authorized to arrest any person selling, exposing or offering for sale, or keeping or storing for sale, or giving away or holding or keeping any lettuce, celery, strawberries, tomatoes, radishes, or onions that have been irrigated with sewage, or any decayed, frost-bitten, or unwholesome fruit or vegetables, or any fruit or vegetables infected with injurious scale or other insect, or with the egg, larva, or pupa thereof, or any berries or soft fruits packed or contained in any basket or box that has already once previously contained other berries or soft fruits of the same or any other kind; or any fruit or vegetable that has been packed in any basket, box, or sack which has already contained fruit, vegetables, fertilizer, manure, garbage, or other substance which might taint or make such fruit or vegetables unwholesome, or any other fruit or vegetable that has been hauled, stored, or kept in any wagon, car, stall, building, or other place which has previously contained fertilizer, manure, garbage, dead animals, or other substance which might taint or make such fruit or vegetable unwholesome.

SEC. 4. Whenever any fruit or vegetable, or any portion of any fruit or vegetable, contained in any package, box, or other receptacle shall, upon inspection and examination by the health commissioner or any of his deputies or by any fruit and vegetable inspector of the health department of the city of Los Angeles, be found to be decayed or affected in any manner so as to be unwholesome or unfit for human food, or infected with injurious scale or other insect, or with the egg, larva, or pupa thereof, the health commissioner, his deputy, or said fruit and vegetable inspector shall condemn such fruit or vegetable and shall mark or mutilate such fruit or vegetable or the package containing the same, or shall apply coal oil or other substance thereto so as to make the fact of such condemnation apparent and render such fruit or vegetable impossible for use for human food. The health commissioner or any of his deputies or any inspector in the health department shall forthwith order such condemned fruit or vegetables, by notice in writing, to be removed by the owner or person in control or possession thereof within four hours to the city garbage incinerator and burned therein, or to be removed by such person within such time to the garbage dumping ground of the city and deposited therein.

That every person who has been ordered to dispose of condemned fruit or vegetables as herein provided shall take a receipt, to be indorsed upon the said notice, from the person in charge of said incinerator or dumping ground, stating the time that the same was received by him and that such person so ordered to dispose of condemned fruit or vegetables shall within 24 hours thereafter file such notice and receipt in the office of said health department. That the expense of the removal and disposal of any fruit or vegetables which have been condemned as herein provided shall be paid by the owner thereof or by the person in whose premises or under whose control the same was found.

SEC. 5. It shall be unlawful for any person to hinder or obstruct the health commissioner or any of his deputies or any fruit and vegetable inspector of the health department of the city of Los Angeles in the performance of any of the duties, or in the exercise of any of the powers herein prescribed, and it shall be unlawful for any person to refuse admission, access, or inspection to the said health commissioner or the said deputies or any of the fruit and vegetable inspectors of the health department of the said city, to any house, room, wagon, cart, or other place occupied by or in the possession or under the control of such person in or from which fruits, vegetables, candies, or confectionery are sold, offered or exposed for sale, or kept or stored for sale, or given away or held or kept.

SEC. 6. It shall be unlawful for any person, either as owner, agent, employee, or otherwise, to sell, exchange, or give away, or to offer or expose for sale, or to have

or keep for sale, or to have or keep in possession, any berries, currants, grapes, cherries, peaches, nectarines, apricots, dates, plums, prunes, or other soft fruits, or any candy, confectionery, or dried fruits, unless the same are so kept and protected from dirt, dust, flies, and other insects as to not become contaminated thereby.

SEC. 7. It shall be unlawful for any person, either as owner, agent, employee, or otherwise, to keep or to cause or permit to be kept any fruit or vegetables upon or over any sidewalk or parts adjacent thereto that animals may have access to unless the same are kept a distance of 18 inches or more above such sidewalk.

SEC. 8. Every wagon, market, or other place where fruit or vegetables are sold or kept for sale shall be amply provided with cans or other receptacles into which refuse and decayed fruit may be placed. It shall be unlawful for any person to place any refuse or fruit upon any area, floor, or driveway of any market or other place where horses or wagons are permitted to be; and it shall be unlawful for any person, either as owner, agent, employee, or otherwise to allow any dog or cat to run at large in any market or other place where fruit, vegetables, candy, and confectionery are sold or kept for sale; and it shall be unlawful for any person, firm, or corporation to keep or maintain, or to cause or permit to be kept or maintained, any public market in which fruit or vegetables are sold or kept for sale unless the surface of the ground in such market is paved with cement or asphaltum at all places on which such fruit or vegetables are kept and on which animals or vehicles stand which are used for the conveyance of such fruit or vegetables, and said pavement must be flushed with water and made clean at least every third day or oftener, in the discretion of the health commissioner or any of the health inspectors, for the purpose of keeping said pavement in a sanitary condition. Each such person, firm, or corporation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this section is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable therefor as provided by this ordinance.

SEC. 9. It shall be unlawful for any person, either as owner, agent, employee, or otherwise, to keep or to cause or permit to be kept any fruit or vegetables in any stable, shed, room, or other place which is used as a sleeping apartment for any person, horse, or other animal, or to wash or sprinkle any fruit or vegetable with water in or from any trough, tank, tub, barrel, or basin from which any horse or other animal has drunk, or water which might be contaminated in any other way.

SEC. 10. Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$500 or imprisonment in the city jail not to exceed six months, or by both such fine and imprisonment.

SEC. 11. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

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